

(Draft - Awaiting Formal Approval)

**MINUTES OF THE
ETHICS INTERIM COMMITTEE**

Wednesday, September 16, 2009 – 9:00 a.m. – Room 450 State Capitol

Members Present:

Sen. Sheldon L. Killpack, Senate Chair
Rep. John Dougall, House Chair
Rep. Rebecca Chavez-Houck, House Cochair
Rep. Tim M. Cosgrove
Rep. Brad L. Dee
Rep. Kevin S. Garn
Sen. Scott K. Jenkins
Rep. Brian S. King
Rep. Bradley G. Last
Sen. Karen Mayne
Sen. Scott D. McCoy
Rep. Carol Spackman Moss
Sen. Dennis E. Stowell

Members Absent:

Sen. Patricia W. Jones, Senate Cochair
Sen. Ross I. Romero
Sen. John L. Valentine

Staff Present:

Michael E. Christensen, Director
John L. Fellows, General Counsel
Eric N. Weeks, Deputy General Counsel
Chelsea Barrett, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Task Force Business

Chair Dougall called the meeting to order at 9:18 a.m.

MOTION: Rep. Cosgrove moved to approve the minutes of the August 19, 2009 meeting. The motion passed unanimously.

**2. Rules of the Fifty-Seventh Legislature, Joint Rules Title 6 Legislative Ethics and
Adjudication of Ethics Complaints.**

Mr. Fellows reviewed Rules of the Fifty-Seventh Legislature, Joint Rules Title 6 Legislative Ethics and Adjudication of Ethics Complaints, which was distributed to the Committee prior to the meeting. Rep. Dee inquired about the preliminary inquiry process for ethics procedures and explained the need to look specifically at this stage of the process. He noted that the preliminary inquiry process should give substance and merit to an ethics complaint and protect due process. Rep. Dee commented that the initial screening of ethics allegations should be discussed further and be a high priority for the Committee.

Sen. McCoy commented that he is currently working on legislation in regards to an independent ethics commission, which will be presented to the Committee in the future.

MOTION: Rep. Dee moved to direct staff to work with the committee chairs to prepare recommendations for addressing the preliminary inquiry process. The motion passed unanimously.

Mr. Fellows explained the process for the preliminary inquiry. He explained the procedures and functions for the accused legislator, counsel, and members of the Committee. He noted that the preliminary inquiry is intended to function like an initial screening panel.

Mr. Fellows answered questions from the Committee.

3. Ideas for Possible Legislation

MOTION: Rep. Garn moved to direct staff to work with the committee chairs to prepare legislation that creates a legislative ethics commission composed of five members - three retired judges and two former legislators, one Republican and one Democrat. He explained that the new commission would replace the current preliminary hearing process that exists in Legislative Rules. Rep. Garn further explained that the new commission would evaluate the merits of any complaint filed against a legislator and make a recommendation to the House of Representatives or the Senate to either dismiss the complaint or hold a public disciplinary hearing.

Sen. McCoy questioned if the proposed legislation by Rep. Garn could be drafted and then considered by the Committee when it is complete.

SUBSTITUTE MOTION: Sen. McCoy moved to incorporate the allowance of the general public to file an ethics complaint, in addition to legislators, in Rep. Garn's draft legislation. Sen. McCoy explained that he believes there should be public participation in the ethics process.

The Committee discussed the proposed motions.

Mr. Fellows noted the potential political element of ethics complaints in the Legislature and encouraged the Committee to be sensitive to possible ramifications of elected officials and ethics procedures.

Rep. Chavez-Houck commented that each committee member is currently undertaking the same challenge to further develop the ethics process. She explained that she would like to see draft legislation involving today's discussion before voting takes place.

Sen. McCoy withdrew his substitute motion with the intent that public participation in regards to the ability to file complaints and timeliness of complaints being filed before or after elections be further discussed by the Committee.

Rep. Garn withdrew his original motion.

Rep. King commented that the public should be involved in the Legislature's ethics policy as much as possible. He explained that citizens should be involved with filing complaints for elected officials.

MOTION: Sen. Killpack moved to incorporate the ideas from Rep. Garn's and Sen. McCoy's motions and direct staff to draft legislation, with the intent of discussing the draft legislation during the October interim meeting.

The Committee discussed the motion.

The motion passed unanimously.

Rep. Last requested additional discussion pertaining to the Code of Official Conduct. He explained that legislators would benefit from resources pertaining to ethics education. Chair Dougall requested that each committee member review the Official Code of Conduct and bring insights to the next meeting for discussion. Mr. Fellows explained that this information can be found in the Fifty-Seventh Legislature's

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Joint Rules book, page 44 and 45. Mr. Christensen noted that this information will be emailed to Committee members prior to the next meeting.

4. Other Items / Adjourn

MOTION: Sen. Jenkins moved to adjourn the meeting. The motion passed unanimously.

Chair Dougall adjourned the meeting at 10:46 a.m.